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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,858	04/20/2001	Bruce V. Schwartz	UWP00101	5599

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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/07/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

PK9

Office Action Summary	Application No. 09/839,858	Applicant(s) SCHWARTZ ET AL	
	Examiner William C. Vaughn, Jr.	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Action is in regards to the most recent papers received on 22 April 2003.

Information Disclosure Statement

2. The references listed on the Information Disclosure Statement submitted on 28 August 2001 have been considered by the examiner (see attached PTO-1449).

Specification

3. The disclosure is objected to because of the following informalities: The specification references several U.S. Application on page 1 of the specification. The current state of these applications, reflecting the status of present pendency, (i.e., abandonment or patent maturity), including associated patent numbers, should be amended into the specification.

Appropriate correction is required.

Title

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: --REDUCING PERCEIVED LATENCY IN
SERVICING USER REQUESTS ON LOW-BANDWIDTH COMMUNICATION CHANNELS
BY A HYPERMEDIA SERVER--.

Claim Objections

5. Claim 14 is objected to because of the following informalities: It recites "ssession". It is suggested that it be changed to -session-. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davani, U.S. Patent No. 6,208,839 in view of Spaur et al. (Spaur), U.S. Patent No. 5,732,074.
8. Regarding **independent claims 1, 6, 11 and 21** (e.g., exemplary independent claim 1), Davani discloses the invention substantially as claimed. Davani discloses *a system for reducing perceived latency in servicing user requests for unsolicited information made from remote devices, the system comprising a computer that is coupled to a transmitter, wherein the computer comprises first storage and executes a first program that causes the computer to (a) receive the unsolicited information and an identification of an intended recipient of the unsolicited information, wherein the unsolicited information is received according to a first transmission protocol in a first form [see Davani, Col. 2, lines 25-47], and (b) in response to the receipt of the unsolicited information and recipient identification, to cause the computer: (1) to generate a plurality of message entities that convey at least a portion of the contents of the unsolicited information in a second form that differs from the first form [see Davani, Col. 2, lines 35-67 and*

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Col. 3, lines 1-7], *(2) to send the message entities via the transmitter according to a second transmission protocol that differs from the first transmission protocol so as to be received by a respective remote device associated with the intended recipient, wherein the second transmission protocol is optimized for use with a wireless device* (Davani teaches a paging protocol), [see Davani, Col. 4, lines 7-35], *(3) to send a notification via the transmitter so as to be received by the respective remote device, wherein the notification indicates the plurality of message entities have been sent to the respective remote device* [see Davani, Col. 2, lines 54-67]. However, Davani does not explicitly disclose a hypermedia server.

9. In the same field of endeavor, Spaur discloses (e.g., mobile portable wireless communication system). Spaur discloses a hypermedia server [see Spaur, item 102, Col. 6, lines 1-66 and Col. 8, lines 24-65].

10. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Spaur's teachings of a mobile portable wireless communication system with the teachings of Davani, for the purpose of providing processing capability that involves protocols of a variety and a large number of users [see Spaur, Col. 2, lines 1-8]. By this rationale independent claim 1 is rejected.

11. Regarding **claim 2**, Davani-Spaur discloses *wherein the message entities in the second form preserve the order of the unsolicited information in the first form* [see Davani, item 306]. By this rationale **claim 2** is rejected.

12. Regarding **claim 3**, Davani-Spaur discloses *wherein the first transmission protocol conforms to a hypertext transfer protocol* [see rejection of claim 1, above] *and the second transmission protocol conforms to a handheld device transfer protocol* [see rejection of claim 1,

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above]. The same motivation that was utilized in claim 1 applies equally as well to claim 3. By this rationale **claim 3** is rejected.

13. Regarding **claim 4**, Davani-Spaurs discloses *wherein the first form conforms to a first (hypertext) markup language specification and the second form conforms to a second (handheld device) markup language* [The Examiner takes Official Notice [see MPEP 2144.03]]. The motivation that was utilized in claim 1 applies equally as well to claim 4. By this rationale **claim 4** is rejected.

14. Regarding **claim 5**, Davani-Spaurs discloses *wherein the first program causes the computer to: determine type of content conveyed by the message entities, check whether the type of content is acceptable to the respective remote device, and if not acceptable, convert the content into another type before sending it to the respective remote device* [see Spaur, Col. 5, lines 41-67 and Col. 1-67]. The motivation that was utilized in claim 1, applies equally as well to claim 5. By this rationale **claim 5** is rejected.

15. Regarding **claim 6**, the limitations of this are substantially the same as that of claim 1, and thus is rejected for the same rationale in rejecting claim 1 above.

16. Regarding **claims 7 and 8**, the limitations of these claims are substantially the same as that of claim 5, and thus are rejected for the same rationale in rejecting claim 5 above.

Furthermore, with regards to wherein a respective card includes access control information that indicates whether information conveyed in the respective card has access restricted to specific decks [The Examiner takes Official Notice [see MPEP 2144.03]].

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17. Regarding **claim 9**, Davani-Spaur discloses *a system according to claim 6 wherein the deck has a unique identifier in the form of a Uniform Resource Locator (URL)* [see Davani, Col. 7, lines 17-23]. By this rationale **claim 9** is rejected.

18. Regarding **claim 10**, Davani-Spaur discloses *wherein the notification includes a link to a service in any of the remote device, the computer or the hypermedia server that, when invoked, acts on the notification* [see Spaur, item 102]. The motivation that was utilized in the combination of claim 1 and 6, applies equally as well to claim 10. By this rationale **claim 10** is rejected.

19. Regarding **claim 11**, the limitations of this are substantially the same as that of claim 1, and thus is rejected for the same rationale in rejecting claim 1 above. Furthermore, with regards to build a get-request to send to the hypermedia server, wherein the get-request includes one or more parameters from each of the set of session parameters and the set of request parameters [The Examiner takes Official Notice [see MPEP 2144.03]].

20. Regarding **claim 12**, Davani-Spaur discloses *wherein the first program causes the computer to: detect a conflict between a parameter in the set of session parameters and a parameter in the set of request parameters, and include a parameter in the get request that represents a resolution of the conflict in favor of the parameter in the set of request parameters* [The Examiner takes Official Notice [see MPEP 2144.03]]. By this rationale **claim 12** is rejected.

21. Regarding **claims 13 and 14**, Davani-Spaur discloses *wherein the first program causes the computer to establish a set of common parameters that are shared by multiple users and sessions* [see rejection of claim 12, above]. By this rationale **claims 13 and 14** are rejected.

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22. Regarding **claims 15 and 16**, Davani-Spaurs disclose *wherein the respective remote device is a wireless telephone* [see Davani, items 118, 120, 121, 122]. By this rationale **claim 16** is rejected.

23. Regarding **claim 17**, Davani-Spaurs disclose *wherein the respective remote device is a handheld device* [see Davani, items 118, 121, 122]. By this rationale **claim 17** is rejected.

24. Regarding **claim 18**, Davani-Spaurs disclose wherein the second program causes the remote device to store the notification in persistent storage, and to display a list of notifications that have been received by the remote device [see Davani, Figure 2]. By this rationale **claim 18** is rejected.

25. Regarding **claim 19**, Davani-Spaurs disclose *wherein the second program causes the remote device to display an indication of which notifications in the list have been acted upon by an operator of the remote device* [see Davani, Col. 8, lines 18-27]. By this rationale **claim 19** is rejected.

26. Regarding **claim 20**, Davani-Spaurs disclose *wherein the second program causes the remote device to determine whether a received notification is a duplicate of another notification already stored* [The Examiner takes Official Notice [see MPEP 2144.03]], [See prior art of record, U.S. Patent No. 6,594,481, regarding duplicate notifications, Col. 28, lines 10-15] By this rationale **claim 20** is rejected.

27. Regarding **claims 21-33**, the limitations of these claims are substantially the same as that of claims 1-11, and thus are rejected for the same rationale in rejecting claims 1-11 above.

Double Patenting

28. Claim(s) 1-46 of U.S. Patent No. 6,243,739 contain(s) every element of claim(s) 1-33 of instant U.S. Patent Application No. 09/839,858 and as such anticipate(s) claim(s) 1-33 of the instant application.

29. "A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " **ELI LILLY AND COMPANY v BARR LABORATORIES, INC.**, United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

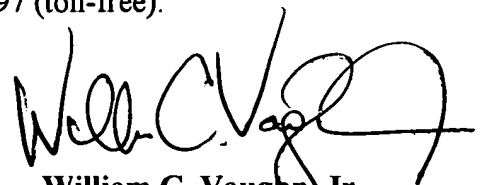
Conclusion

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'William C. Vaughn, Jr.', with a stylized flourish at the end.

William C. Vaughn, Jr.
Patent Examiner
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30 April 2004